UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

ZELYIA M. CALDWELL and,)	
MARCIA Y. MCMAHAN, on behalf of a Minor,)	
X.E.C.,)	
)	
Plaintiffs)	
)	No. 3:13-CV-552
v.)	(COLLIER/GUYTON)
)	
KNOX COUNTY BOARD OF EDUCATION,)	
Et al.,)	
Defendants.)	

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02. Now before the Court is the Plaintiff's Motion to Subpoena [Doc. 6], filed on September 17, 2013. The motion seeks to subpoena minor X.E.C.'s permanent school records and emergency contact forms that were submitted each year by Plaintiff Zelyia M. Caldwell. The motion does not state which school the information is being requested from, only that the Plaintiffs have been denied access to such records under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g et seq.

The Court has reviewed the filings and procedural posture of this case and it appears that the parties have not yet engaged in discovery. Federal Rule of Civil Procedure 26(f) requires that the parties conduct a discovery conference prior to commencing discovery. Rule 26(d) prohibits a party from seeking discovery from another party before the parties have conducted a Rule 26(f) conference. In the present matter, the documents which the Plaintiff seeks to acquire appear to be information that is more properly discoverable in accordance with Rule 26 once the discovery process begins.

Thus, under the present circumstances, the Court finds that the Plaintiffs' request for the production of documents by subpoena is premature. Accordingly, the Plaintiff's Motion to Subpoena [Doc. 6] is DENIED.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge